

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2015 DEC 21 PM 4:25

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SO. DIST. OF GA.

UNITED STATES OF AMERICA )  
 )  
v. ) CASE NO. 4:08-cr-00315-14  
 )  
Demetrius Marcellus Green, )  
aka "DD" )  
 )  
Defendant. )

O R D E R

Before the Court is Defendant's Motion to Modify Sentence Pursuant to Retroactive Amendment 750 (Doc. 1556), filed on August 31, 2015. This motion constitutes Defendant's second motion for a sentence reduction pursuant to Amendment 750 to the United States Sentencing Guidelines. The first motion was filed on October 31, 2013 (Doc. 1468), and was denied by this Court on May 14, 2014 (Doc. 1486), as Amendment 750 did not have the effect of lowering Defendant's guideline range.

Defendant's sentence was reduced by this Court on June 10, 2015, as a result of Amendment 782, from 194 months to 158 months. For unknown reasons, Defendant has again submitted a motion for relief under Amendment 750, asserting essentially the same argument he did in 2013: that the Court should revisit the drug quantity it adopted at sentencing, attribute him with a lower amount, and reduce his sentence accordingly.

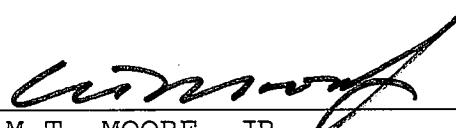
As previously noted by the Court, the Eleventh Circuit has made clear that sentencing courts may not reconsider the quantity of drugs attributed to a Defendant in the context of a motion for reduced sentence under 18 U.S.C. § 3582(c)(2). United States v. Dewitt, 352 F. App'x 348, 351 (11<sup>th</sup> Cir. 2009)

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("[A] § 3582 proceeding does not authorize a court to reconsider original sentencing determinations.")

As noted above, Amendment 750 does not have the effect of lowering Defendant's guideline range, nor does the Court have the authority to re-examine its original sentencing determinations. Accordingly, Defendant's motion is **DENIED**.

SO ORDERED this 21<sup>st</sup> day of December 2015.

  
WILLIAM T. MOORE, JR.  
JUDGE, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA